

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 5, 2002

DIVISION TWO

B149867 Jordan Downs Resident (Not for Publication)
 Management Corporation
 v.
 Childs, et al.

The order is affirmed as to the trial court's determination that JDRMC was entitled to attorney fees and as to the amount of those fees. JDRMC is awarded its attorney fees on appeal pursuant to the anti-SLAPP statute; the matter is remanded to the trial court to determine the amount. JDRMC also is entitled to costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

B154940 People (Not for Publication)
 v.
 Josefina A.

The juvenile court's judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

B160314 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Joseph B.

The Court:

The appeal is dismissed.

Nott, Acting P.J., Doi Todd, J., Ashmann-Gerst, J.

DIVISION TWO (Continued)

B149893 National Union Fire Insurance Co.
 v.
 TKA Express, Inc.

Filed order denying petition for rehearing.

DIVISION THREE

B158625 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Janine B.

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

B141519 Donald Souders, et al. (Certified for Publication)
 v.
 Philip Morris Incorporated, et al.

The judgment of dismissal is reversed. The trial court shall enter a new order overruling the demurrers to the first, second, third, fourth, fifth and tenth causes of action of the complaint. The trial court shall also correct its records to reflect that no demurrer was filed as to the eighth and ninth causes of action, which remain pending against Philip Morris and B & W. The Sounders are to recover their costs on appeal.

Perluss, J. (Assigned)

We concur: Klein, P.J.
 Aldrich, J.

B151536 Calvin Simpkins
 v.
 New Century Volkswagen, et al.

Filed order denying petition for rehearing.

December 5, 2002 (Continued)

DIVISION FOUR

B155099 People (Certified for Publication)
v.
Matute

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B156831 People (Not for Publication)
v.
Miguel S.

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FIVE

Court convened at 10:00 a.m.

Present: Turner, P.J., Grignon, J., Armstrong, J. and J. Belcher, Deputy Clerk.

B158182 Kirk Kerkorian
v.
Lisa Kerkorian

Merits:
Argued by Gary L. Bostwick for appellant and by Peter C. Sheridan for respondent. Cause submitted.

Court adjourned.

December 5, 2002 (Continued)

DIVISION FIVE (Continued)

B153171 Mace Neufeld
v.
Oz-Us Film Productions

Filed order denying petition for rehearing.

Mosk would grant rehearing.

DIVISION SIX

B150970 Laskey (Not for Publication)
v.
Downey Savings & Loan Assoc.

The judgment of the trial court is affirmed as to the preemption issue and reversed as to attorney fees. The parties shall bear their own costs on appeal.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B157635 In re Ciana R. and Vincent G., (Not for Publication)
Santa Barbara County Child Welfare Services
v.
Gloria Y.,

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SEVEN

B152243 Rasmussen (Not for Publication)
 v.
 LA County Sheriff's Dept., et al.

The judgment is reversed. Each party to bear their own costs.

Johnson, Acting P.J.

We concur: Perluss, J.

B157615 People (Not for Publication)
 v.
 Salvador G.,

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
 Perluss, J.

B158679 People (Not for Publication)
 v.
 Carter

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
 Perluss, J.

B151478 Kashfi, et al. (Not for Publication)
 v.
 LA Coin Wrapping, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, Acting P.J.

We concur: Woods, J.
 Perluss, J.

December 5, 2002 (Continued)

DIVISION SEVEN (Continued)

B151622 People v. Secret (Not for Publication)

The judgment is affirmed.

Johnson, Acting P.J.

I concur: Perluss, J.

B151043 People (Not for Publication)
v.
Boyd

The conviction for the voluntary manslaughter of James Moore is reversed. In all other respects the judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Perluss, J.

B152597 People (Not for Publication)
v.
Alonso

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Perluss, J.

B154289 Begl Construction Company
v.
The Board of Recreation & Park Commissioner

Filed order vacating submission order of October 4, 2002, for the purpose of re-argument before a reconstituted panel.

DIVISION SEVEN (Continued)

B153210 Jackson
 v.
 Snider

Filed order vacating submission order of October 3, 2002, for the purpose of re-argument before a reconstituted panel.

B149649 People
 v.
 Castro a.k.a. Johnson

Filed order vacating the submission order of October 18, 2002, to permit re-argument before a reconstituted panel.

DIVISION EIGHT

B149412 Contreras, et al. (Not for Publication)
 v.
 Ford Motor Company, et al.

The judgment is reversed with respect to both Ford and Saleen. Appellants are awarded their costs on appeal.

Boland, J.

We concur: Cooper, P.J.
 Rubin, J.

B150235 Computer Nozzle, Inc. (Not for Publication)
 v.
 Cambridge Associates, Inc.

The appeal is dismissed. Respondent is awarded its costs on appeal.

Boland, J.

We concur: Cooper, P.J.
 Rubin, J.

DIVISION EIGHT (Continued)

B158281 People (Not for Publication)
v.
Briana B.

Probation condition 16 is modified to read, "Do not have any dangerous or deadly weapon in your possession, nor remain in the presence of any person known to you to be unlawfully armed." As modified, the judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

B152524 Papazian, et al. (Not for Publication)
v.
Air Canada

The cause is remanded to the trial court to vacate its order denying Papazian's motion to tax costs and to enter a new order taxing costs for expert witnesses Drs. Kent and Sisto in accordance with the views expressed herein. In all other respects, the judgment is affirmed. Each party to bear its own costs on appeal.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

B151748 Wei-Ting Hu (Certified for Publication)
v.
Fang

The judgment of default is reversed. Appellant is entitled to costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

DIVISION EIGHT (Continued)

B143112 Gunther-Wahl Productions, Inc., et al. (Certified for Publication)
v.
Mattel, Inc.

The judgment is reversed. Costs on appeal are awarded to appellants.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B148620 Black (Not for Publication)
v.
Ghadoushi, et al.

The summary judgment is reversed. On remand, the trial court may enter an order summarily adjudicating in defendants' favor the first cause of action of the complaint. Plaintiff shall recover costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B153242 Sinaei (Not for Publication)
v.
Avakian

The judgment is affirmed. Respondent(s) to recover costs.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

DIVISION EIGHT (Continued)

B156834 People (Not for Publication)
v.
Jonathan H.

With all due respect to both appellant and respondent in this case, and with full appreciation for the time and effort spent briefing and discussing the constitutional and waiver issues, this court declines to spend the time to join in this group discussion in lieu of working on other more pressing and contentious matters. As we see it, respondent has conceded two of appellant's contentions and as to the third argues that the proper interpretation of the probation contention is virtually the same as the modified probation condition suggested by appellant. We will simply draw this discussion to a close by ordering the modification of the probation condition to add the explicit requirement of knowledge which respondent concedes is implied. The abstract of judgment is modified to reflect a stay pursuant to Penal Code section 654 of the lesser period of confinement for Count 2. Probation condition number 16 is modified to read as follows: "You are not to have any dangerous or deadly weapons in your possession nor remain in the presence of any person known by you to be unlawfully armed." The matter is remanded to the juvenile court for an accurate calculation of appellant's predisposition credit.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B157213 Los Angeles County, D.C.S. (Not for Publication)
v.
Larry J., et al.

The orders appealed from are reversed, and the matter remanded for an evidentiary hearing pursuant to Welfare and Institutions Code section 388 as to both Mother and Father and, if necessary, for further proceedings consistent with this opinion.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.